

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

ROBBIE LYNN NEWBY #1238216	§	
VS.	§	CIVIL ACTION NO. 6:14cv800
DIRECTOR, TDCJ-CID	§	

ORDER OF DISMISSAL

Petitioner Robbie Lynn Newby, an inmate confined in the Texas prison system, proceeding *pro se*, filed the above-styled and numbered petition for a writ of habeas corpus challenging his Wood County, Texas conviction and confinement for possession of marijuana. His conviction contained a deadly weapon finding. He was sentenced on April 23, 2004 to ten years' imprisonment. Petitioner was paroled on this state charge on May 18, 2010. Petitioner's parole was revoked, however, when he was convicted of the federal offense of sexual exploitation of children in cause 6:13cv035 (E.D. Texas March 25, 2014).

The Petitioner filed the present federal petition challenging his state conviction and confinement on October 10, 2014. Petitioner claims in this state petition that the Director has illegally extended his sentence. *See* Fed. Pet. At 6, 12-15. It is uncontested that Petitioner lost credit for the time he served on parole. The petition was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the petition for a writ of habeas corpus should be dismissed because Petitioner has not exhausted his state remedies.

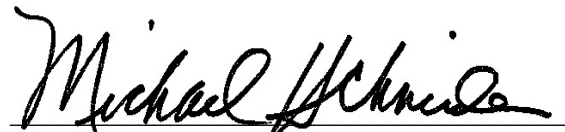
The Petitioner has written letters to the Court since the Report and Recommendation was

issued. One letter notes his change of address and other requests a copy of the docket sheet. The docket sheet was mailed to Petitioner, along with another copy of the R & R. Petitioner, however, has not filed any objections to the R & R or otherwise demonstrated that his petition should not be dismissed for his failure to exhaust state remedies.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Petitioner to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the petition for a writ of habeas corpus is **DENIED** and the case is **DISMISSED** without prejudice. A certificate of appealability is **DENIED**. All motions not previously ruled on are hereby **DENIED**.

**SIGNED this 4th day of September, 2015.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE